

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11	RICHARD A. CONNORS,	)	Civil No. 08cv1134-L(LSP)
12	Plaintiff,	)	
13	v.	)	<b>ORDER GRANTING JOINT</b>
14	HOME LOAN CORP. dba EXPANDED	)	<b>MOTION [doc. #30]; and DENYING</b>
15	MORTGAGE CREDIT, <i>et al.</i>	)	<b>AS MOOT MOTION FOR</b>
16	Defendants.	)	<b>PRELIMINARY INJUNCTION [doc. #9]</b>

Good cause appearing, plaintiff Richard A. Connors' ("Connors") and defendants America's Servicing Company ("ASC") and U.S. Bank, N.A. as trustee for Credit Suisse First Boston Heat-2005-2's ("U.S. Bank") Joint Motion [doc. #30] regarding the foreclosure sale on the real property located at 402 Paseo del Norte, Escondido, California (the "Property") is **GRANTED** as follows:

1. Plaintiff's motion for preliminary injunction is **DENIED** as moot [doc. #9] and the temporary restraining Order filed July 2, 2008 [doc. #6] is **VACATED**.
2. Plaintiff shall make a good faith payment to ASC in the amount of \$10,000.00 no later than **August 27, 2008 at 9:00 a.m.**, with such payment to be applied to reduce the balance of Connors' past-due obligations. Payment shall be made by cashier's check made out to ASC and delivered to ASC's counsel. Acceptance of the partial payment by ASC does not constitute reinstatement of the loan, does not

1 waive Connors' default and shall not preclude ASC from proceeding with the  
2 scheduled foreclosure sale on or after September 16, 2008, as set forth in  
3 paragraph 5.

4 3. Provided plaintiff makes the good faith payment, the parties shall appear on  
5 **August 27, 2008 at 9:00 a.m.** before the Honorable Leo S. Papas, United States  
6 Magistrate Judge, for a settlement conference.

7 4. Plaintiff shall resume making monthly mortgage payments to ASC on September  
8 1, 2008 in the amount of his monthly mortgage payments as of December 1, 2007.

9 5. ASC and U.S. Bank will voluntarily continue the foreclosure sale of the Property,  
10 which is presently scheduled for August 26, 2008, to a date in September which is  
11 on or after September 16, 2008.

12 **IT IS SO ORDERED.**

13 DATED: August 25, 2008

14   
15 M. James Lorenz  
United States District Court Judge

16 COPY TO:

17 HON. LEO S. PAPAS  
18 UNITED STATES MAGISTRATE JUDGE

19 ALL PARTIES/COUNSEL  
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